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09/840,283	04/23/2001	Nicholas Stiliadis	NS2	3319

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EXAMINER	
SALTARELLI, DOMINIC D	

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/840,283	STILIADIS, NICHOLAS	
	Examiner	Art Unit	
	Dominic D. Saltarelli	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 10, 2007 has been entered.

Response to Arguments

2. Applicant's arguments filed August 10, 2007 have been fully considered but they are not persuasive.

First, applicant argues that the Hunter publication does not disclose any content association between received advertisement content and received movies (applicant's remarks, page 11, third paragraph, page 13, and page 14, second paragraph), and asserts the examiner has mischaracterized the originally filed specification when relying upon it to modify Hunter to meet the claimed invention, claiming the originally filed specification only asserts that materials are merely physically transported in the prior art (applicant's remarks, page 12).

In response, the cited section of the originally filed specification (page 12, lines 5-17), which is relied upon as evidence that it is common business practice for producers or owners of movies provide advertising materials that are linked to

a provided movie along with a provided movie to the person licensing the movie, is as follows:

One embodiment of the invention will now be described in connection with the input of a movie entitled "ABC". Initially, this movie is received on seventy-millimeter film (celluloid). The producer or owner of the movie also provides the operator of the inventive web site with advertising posters, newspaper advertisements, radio promotional spots on audiocassette or compact disc, television promotional spots on video cassette or videodisc, trailers on celluloid or video cassette, a film strip comprising a coming events announcement, and text, such as all or portions of the scripts and critic's review. All of the materials and other types of materials that are **normally transported physically from the owner, such as the producer or other owner of rights, to the person licensing the movie**, are digitized and stored in storage media 28 in accordance with the invention. [*emphasis added*]

As shown, applicant's clearly admit that linked advertisement materials used to advertise a movie are known to be provided by owners to licensee's along with the movie itself, and applicant's consider their invention merely to be the digitization of said advertisement materials and movies in order that both may be provided electronically instead of physically. Given that the business model of providing linked advertisement material along with movies is known in the art, the next question is would applicant's invention of digitizing said content have been obvious to a person of ordinary skill in the art. The Hunter reference, which

teaches digitizing content in the very same environment as applicant's invention, is evidence that such digitization for the purpose of distribution is both known an desirable. Thus, given the state of the art disclosed by Hunter, who teaches both the means and desirability of digitizing both movie and advertising content for electronic distribution, in addition to the established business practice of providing movies and the advertising materials used to market said movies together with the movies, applicant's invention is considered to be obvious over the prior art, as all of the claimed elements are present, Hunter provides the motivation to combine them, and there is a reasonable expectation of success, because no changes to the technology are necessary, as the claimed invention is merely the application of a known business model using known technology to achieve an expected result.

Second, applicant argues that Hunter does not disclose inputting multimedia information to enable a search function and providing the search function.

In response, these are amended limitations, and the manner by which Hunter addresses these newly added limitations are provided in the rejection of claim 1 below.

Third, applicant argues that Bernard is non-analogous art because Bernard does not relate to purchasing multimedia for download over a communications network (applicant's remarks, page 12, third paragraph).

In response to applicant's argument that Bernard is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Bernard pertains to the problem of marketing and attempting sell multimedia content to a customer, the very same problem Hunter addresses.

Fourth, applicant argues that Seifert is also non-analogous art because Seifert is directed to managing resources, and not to purchasing multimedia for download over a communications network (applicant's remarks, page 14, first paragraph).

In response to applicant's argument that Seifert is non-analogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, just as stated, Seifert is concerned

with resource management, most notably the digitization of content printed on celluloid (movies) for transport, an essential component of the Hunter disclosure, who receives movies and distributes them digitally.

Claim Objections

3. Claim 10 is objected to because of the following informalities: Lines 3-4 state "said movie owner", which should be changed to --a movie owner--.

4. Claim 12 is objected to because of the following informalities: Claim 12 is marked with an improper status identifier. The proper status identifier for claim 12 is (Currently Amended). Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> **(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.**

6. Claims 1, 2, and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1, of record) in view of Applicant's own originally filed specification and Bernard et al. (5,918,213, of record) [Bernard].

Regarding claim 1, Hunter discloses a method of marketing and distributing multimedia, the method comprising:

receiving multimedia material from an owner of said multimedia material (an inherent step, as the movies being offered for sale must have first been acquired from the owners of the respective material, paragraph 0060);

storing multimedia material on a computer readable storage medium in digital format (the stored movies which a customer reviews and selects for purchase, paragraph 0060);

inputting multimedia material information (also an inherent step, as a customer selects desired content from an interface where multimedia content is identified with previously input metadata, paragraph 0060 "Following access, the customer reviews options concerning his order by reviewing the available movies through a Review Available Movies and Purchase module 260 that permits the customer to see what movies are available...");

providing a server system accessible over a communication network, said owner being linked with the server system (as it is their product which is being sold, paragraph 0063), said server system accessing said digital format from said computer readable storage medium for transfer of said digital format over said communication network (paragraphs 0062-0063);

providing a search function for said multimedia material (paragraph 0060, "Review Available Movies", which allows a customer to search for available titles);

downloading, upon request of purchasers, over said communication network, said digital format of said multimedia material from said server system (paragraph 0062); and

wherein said purchaser is an exhibitor exhibiting said multimedia material in a public theater to a number of individuals in exchange for a paid admission (paragraph 0059).

Hunter fails to disclose receiving content associated advertising material from a producer or owner of said multimedia that is linked to said multimedia material, providing samples of said digital format from said server system over said communication network to potential purchasers, providing in digital format said advertising material that is linked to said multimedia material to said purchasers from said server system over said communication network allowing purchasers to locally market and sell said multimedia material.

Applicant's own originally filed specification states that it is conventional for owners of multimedia material to provide advertising material linked to said multimedia material to purchasers to locally market and sell said multimedia material (page 12, lines 5-17). Because Hunter also teaches digitally transmitting advertising material as well as multimedia material to purchasers of multimedia material (paragraph 0070), a practitioner of ordinary skill in the art would be motivated to receive advertising material from said owners and send the advertising material in digital format to purchasers to allow the purchasers to locally market and sell said multimedia material, as the cost reducing benefits of

all digital domain transmissions taught by Hunter (paragraph 0008-0009) would be then equally applied to both the advertising material and multimedia material.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include receiving associated advertising material from an owner of said multimedia and providing in digital format said advertising material to said purchasers from said server system over said communication network allowing purchasers to locally market and sell said multimedia material, for the benefit of reducing the costs normally associated with the distribution and promotion of said multimedia material.

Hunter still fails to disclose providing samples of said digital format from said server system over said communication network to potential purchasers.

In an analogous art, Bernard teaches providing samples of multimedia content to potential purchasers (col. 3, lines 19-41) to provide assistance in choosing which material to purchase.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include providing samples of multimedia content to potential purchasers, as taught by Bernard, for the benefit of providing helpful assistance to the purchaser in choosing which material to purchase.

Regarding claim 2, Hunter and Bernard disclose the method of claim 1, including receiving multimedia material by downloading via said communication network (Hunter, paragraphs 0062-0063).

Regarding claim 5, Hunter and Bernard disclose the method of claim 1, including providing a server system accessible over a public communication system (Hunter teaches accessing the server over the Internet, paragraph 0063).

Regarding claim 6, Hunter and Bernard disclose the method of claim 1, including downloading digital material from said server system for digital display to an audience (Hunter, paragraph 0059).

Regarding claim 7, Hunter and Bernard disclose the method of claim 1, including providing downloadable advertising materials on said server system (Hunter, paragraph 0070).

Regarding claims 8 and 9, Hunter and Bernard disclose the method of claim 1, including collecting sales information for exhibitor recipients of said multimedia material and providing sales and marketing data based upon information from said users of said server system (Hunter teaches a billing system that tracks orders from purchasers, paragraph 0063).

7. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Applicant's own originally filed specification, and Bernard, as applied to claim 1 above, and further in view of Siefert (5,564,043, of record).

Regarding claims 3 and 4, Hunter and Bernard disclose the method of claim 1, but fail to disclose the receiving multimedia material includes receiving non-digital media including celluloid media and printed media.

In an analogous art, Siefert discloses receiving and digitizing celluloid media and printed media in order to provide it over a communications network (col. 5, lines 14-25).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter and Bernard to include receiving non-digital media including celluloid media and printed media, as taught by Siefert, ensuring that all material is provided in digital format for transmission, regardless of the original source media.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter in view of Applicant's own originally filed specification and Siefert.

Regarding claim 10, Hunter discloses a method of distributing movies comprising:

receiving a movie from a movie owner (an inherent step, as the movies being offered for sale must have first been acquired from the owners of the respective material, paragraph 0060);

storing said movie in digital format in a computer readable memory (the movie content is digital, paragraph 0062);

inputting licensing information about said movie (for billing purposes, paragraph 0063);

transferring said digital formats to a theater via a communications network and storing said digital formats on a computer readable memory located at said theater (paragraph 0062); and

projecting said moving in said digital format using a digital projector onto a screen for display to an audience (paragraph 0059).

Hunter fails to disclose the movie is received on celluloid and also receiving advertising material that is linked to said movie.

Applicant's own originally filed specification states that it is conventional for owners of multimedia material to provide advertising material linked to said multimedia material to purchasers to locally market and sell said multimedia material (page 12, lines 5-17). Because Hunter also teaches digitally transmitting advertising material as well as multimedia material to purchasers of multimedia material (paragraph 0070), a practitioner of ordinary skill in the art would be motivated to receive advertising material from said owners and send the advertising material in digital format to purchasers to allow the purchasers to locally market and sell said multimedia material, as the cost reducing benefits of all digital domain transmissions taught by Hunter (paragraph 0008-0009) would be then equally applied to both the advertising material and multimedia material.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include receiving associated advertising material from an owner of said multimedia and providing in digital format said advertising material to said purchasers from said server system over said communication network allowing purchasers to locally market and sell said multimedia material, for the benefit of reducing the costs normally associated with the distribution and promotion of said multimedia material.

Hunter still fails to disclose the movie is received on celluloid.

In an analogous art, Siefert discloses receiving and digitizing celluloid media and printed media in order to provide it over a communications network (col. 5, lines 14-25).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include receiving celluloid media, as taught by Siefert, the conventional means for distributing movies, ensuring that all material is provided in digital format for transmission, regardless of the original source media.

9. Claims 11-13, 15-20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter in view of Applicant's own originally filed specification.

Regarding claims 11 and 23, Hunter discloses a distribution system for distributing multimedia comprising:

a first central processing unit (which controls the system from which customers purchase movies, paragraph 0060);

a first memory associated with said first central processing unit (which stores the movies available to purchase, paragraph 0060);

a communications network accessible by said first central processing unit for transferring data into and out of said first memory (the network by which movies are received and delivered, paragraph 0062);

an input device connected for data transfer to said first central processing unit, said input device receiving multimedia material and transferring said materials into said first memory in a digital format via said central processing unit (an inherent step, as the movies available for purchase must first have been received from the producers of said content);

a second central processing unit (the customer's system, paragraph 0061);

a second memory, said second memory associated with said second central processing unit, said communications network being accessible by said second central processing unit for transferring said digital format into and out of said second memory (the memory in which a movie is stored after it is ordered and transmitted from the provider's system, paragraph 0061);

a third memory domain for receiving market data in response to an order for said multimedia product (the memory domain which stores the purchase order

and scheduling information necessary for transmitting a movie to a customer after the customer purchases the movie, paragraph 0060-0061);

a digital feature film projector in data communication with said second central processing unit for displaying said digital format as a feature film onto a screen for presentation to an audience, said feature film being stored in said digital format in said second memory after being transferred via said communications network from said first memory (paragraph 0059).

Hunter fails to disclose receiving associated advertising material as well.

Applicant's own originally filed specification states that it is conventional for owners of multimedia material to provide advertising material linked to said multimedia material to purchasers to locally market and sell said multimedia material (page 12, lines 5-17). Because Hunter also teaches digitally transmitting advertising material as well as multimedia material to purchasers of multimedia material (paragraph 0070), a practitioner of ordinary skill in the art would be motivated to receive advertising material from said owners and send the advertising material in digital format to purchasers to allow the purchasers to locally market and sell said multimedia material, as the cost reducing benefits of all digital domain transmissions taught by Hunter (paragraph 0008-0009) would be then equally applied to both the advertising material and multimedia material.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Hunter to include receiving associated advertising material from an owner of said multimedia and providing in digital

format said advertising material to said purchasers from said server system over said communication network allowing purchasers to locally market and sell said multimedia material, for the benefit of reducing the costs normally associated with the distribution and promotion of said multimedia material.

Regarding claim 12, Hunter discloses a method of marketing and distributing multimedia, the method comprising:

receiving multimedia material from an owner of said multimedia material (an inherent step, as the movies being offered for sale must have first been acquired from the owners of the respective material, paragraph 0060);

storing multimedia material on a computer readable storage medium in digital format (the stored movies which a customer reviews and selects for purchase, paragraph 0060);

providing a server system accessible over a communication network, said owner being linked with the server system (as it is their product which is being sold, paragraph 0063), said server system accessing said digital format from said computer readable storage medium for transfer of said digital format over said communication network (paragraphs 0062-0063);

establishing an account (by which customers are billed, paragraph 0063) for a broadcast or live theater exhibitor (paragraph 0059);

downloading, upon request of purchasers, over said communication network, said digital format of said multimedia material from said server system (paragraph 0062);

following up to determine information necessary to calculate an amount owed by said purchaser for said multimedia material and charging the account of said exhibitor with the amount owned (paragraph 0063).

Hunter fails to disclose receiving content associated advertising material from a producer or owner of said multimedia that is linked to said multimedia material and providing in digital format said advertising material that is linked to said multimedia material to said purchasers from said server system over said communication network allowing purchasers to locally market and sell said multimedia material.

Applicant's own originally filed specification states that it is conventional for owners of multimedia material to provide advertising material linked to said multimedia material to purchasers to locally market and sell said multimedia material (page 12, lines 5-17). Because Hunter also teaches digitally transmitting advertising material as well as multimedia material to purchasers of multimedia material (paragraph 0070), a practitioner of ordinary skill in the art would be motivated to receive advertising material from said owners and send the advertising material in digital format to purchasers to allow the purchasers to locally market and sell said multimedia material, as the cost reducing benefits of

all digital domain transmissions taught by Hunter (paragraph 0008-0009) would be then equally applied to both the advertising material and multimedia material.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include receiving associated advertising material from an owner of said multimedia and providing in digital format said advertising material to said purchasers from said server system over said communication network allowing purchasers to locally market and sell said multimedia material, for the benefit of reducing the costs normally associated with the distribution and promotion of said multimedia material.

Regarding claim 13, Hunter (in view of Applicant's own originally filed specification) discloses the method of claim 12, including receiving multimedia material by downloading via said communication network (Hunter, paragraphs 0062-0063).

Regarding claims 15 and 16, Hunter (in view of Applicant's own originally filed specification) discloses the method of claim 12, but fails to disclose said follow up is implemented by either sending an e-mail to said exhibitor or by consulting publicly reported data respecting said exhibitor.

In a previous office action mailed on August 23, 2006, the examiner relied upon official notice to teach these claimed limitations. In the subsequent response mailed to the office on November 20, 2006, the applicant did not

choose to traverse said instances of official notice, and thus are take to be an admission of the facts herein, as per MPEP 2144.03.

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include said follow up is implemented by either sending an e-mail to said exhibitor or by consulting publicly reported data respecting said exhibitor.

Regarding claim 17, Hunter (in view of Applicant's own originally filed specification) discloses the method of claim 12, including providing downloadable advertising materials on said server system (Hunter, paragraph 0070), and exhibitors to locally market and sell said multimedia material (this is the express purpose of the advertising material).

Regarding claim 18, Hunter (in view of Applicant's own originally filed specification) discloses the method of claim 17, including querying said exhibitor to stimulate the sending of data from said exhibitor and recording said data into a database (Hunter teaches a user interface through which customers make selections and schedule purchases, paragraph 0060, the data received from said customers being the scheduling and purchasing information received through the user interface and stored in order to track and fill the order, paragraph 0061).

Regarding claims 19 and 20, Hunter (in view of Applicant's own originally filed specification) discloses the method of claim 18, including providing marketing data recorded in said database to customers in response to a query from an exhibitor (who is an actual user of said server system, see Hunter, paragraph 0060, where customers have tool that allows them to see listings of all movies available in response to a search query, which is a marketing tool).

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter and Applicant's own originally filed specification, as applied to claim 12 above, and further in view of Siefert.

Regarding claim 14 Hunter (in view of Applicant's own originally filed specification) discloses the method of claim 12, but fails to disclose the receiving of multimedia material includes receiving non-digital media including celluloid media and printed media.

In an analogous art, Siefert discloses receiving and digitizing celluloid media and printed media in order to provide it over a communications network (col. 5, lines 14-25).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include receiving non-digital media including celluloid media and printed media, as taught by Siefert, ensuring that all material is provided in digital format for transmission, regardless of the original source media.

11. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Applicant's own originally filed specification, Bernard, and Sprogis.

Regarding claim 21, Hunter discloses a method of marketing and distributing multimedia, the method comprising:

receiving multimedia material from an owner of said multimedia material (an inherent step, as the movies being offered for sale must have first been acquired from the owners of the respective material, paragraph 0060);

storing multimedia material on a computer readable storage medium in digital format (the stored movies which a customer reviews and selects for purchase, paragraph 0060);

providing a server system accessible over a communication network, said owner being linked with the server system (as it is their product which is being sold, paragraph 0063), said server system accessing said digital format from said computer readable storage medium for transfer of said digital format over said communication network (paragraphs 0062-0063);

downloading, upon request of purchasers, over said communication network, said digital format of said multimedia material from said server system (paragraph 0062);

Hunter fails to disclose receiving associated advertising material from a producer or owner of said multimedia, providing samples of said digital format from said server system over said communication network to potential

purchasers, querying said customer to stimulate the sending of ticket sales data from said customer and recording said data into a database.

Applicant's own originally filed specification states that it is conventional for owners of multimedia material to provide advertising material to purchasers to locally market and sell said multimedia material (page 12, lines 5-17). Because Hunter also teaches digitally transmitting advertising material as well as multimedia material to purchasers of multimedia material (paragraph 0070), a practitioner of ordinary skill in the art would be motivated to receive this advertising material from said owners as well, as the cost reducing benefits of all digital domain transmissions taught by Hunter (paragraph 0008-0009) would be then equally applied to both the advertising material and multimedia material.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include receiving associated advertising material from an owner of said multimedia material, for the benefit of reducing the costs normally associated with the distribution and promotion of said multimedia material.

Hunter still fails to disclose providing samples of said digital format from said server system over said communication network to potential purchasers and querying said customer to stimulate the sending of ticket sales data from said customer and recording said data into a database.

In an analogous art, Bernard teaches providing samples of multimedia content to potential purchasers (col. 3, lines 19-41) to provide assistance in choosing which material to purchase.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include providing samples of multimedia content to potential purchasers, as taught by Bernard, for the benefit of providing helpful assistance to the purchaser in choosing which material to purchase.

Hunter and Bernard fail to disclose querying said customer to stimulate the sending of ticket sales data from said customer and recording said data into a database.

In an analogous art, Sprogis discloses receiving and logging tickets sales information from theaters for billing and market research purposes (paragraph 29).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Hunter and Bernard to include querying said customer to stimulate the sending of ticket sales data from said customer and recording said data into a database, as taught by Sprogis, for the benefit of collecting detailed information for billing and market research purposes, such as royalty payments and calculating the success of various films.

Regarding claim 22, Hunter, Bernard, and Sprogis disclose the method of claim 21, including providing marketing data recorded in said database to customers in response to a query from a customer (allowing advertisers to segment their markets, Sprogis, paragraph 0032).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS

Dominic Saltarelli